

REMARKS

In paragraph 1 of the Action, claim 1 was rejected under 35 U.S.C. 112, second paragraph. In view of the rejection, the term "seller" to --seller side--. Also, claims 8 and 9 have been amended.

On page 3 of the Action, claims 10-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rive in view of Nguyen. In view of the rejections of paragraphs 2-5, it is treated claims 1-9 and 16 were rejected by Rive in view of Nguyen.

In paragraph 6 of the Action, claims 10-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rive in view of Nguyen and Davis et al.

However, the present invention are patentable over the cited references, as explained below.

Rejection to Claims 1-9 and 16 by Rive in view of Nguyen

A method of conducting a business with a treating apparatus of claim 1 comprises installing the treating apparatus to a user; connecting the treating apparatus at the user to a server on a seller through a communication line; using the treating apparatus upon request from the user and permission of the seller through the communication line; measuring a using time of the treating apparatus by the user through the communication line; and charging a fee of the treating apparatus based on the using time of the treating apparatus, wherein the fee of the treating apparatus includes a part, based on the using time, of an entire cost of the treating apparatus.

Rive is directed to a method for configuring a hard disk and providing support. A computer system 50 can be connected through an internet 80, and a corrective operation can be performed remotely using the internet. The computer system may be leased to

charge a fixed monthly fee, or other periodic fee, or a one-time lump sum payment (column 15, lines 23-32).

In claim 1 of the invention, the fee includes a part, based on the using time, of the entire cost of the treating apparatus. Namely, the fee is calculated by the using time in view of the entire cost. Thus, the treating apparatus is not leased, and the fee is charged by the using time of the treating apparatus. In Rive, the fee system is a lease or other periodic fee, which is NOT based on the using time of the apparatus. Thus, the fee system in Rive is entirely different from that of the invention.

Rive does not disclose or suggest the features in claim 1 of the invention.

Nguyen was cited to indicate that the host computer 2 is connected to the measuring apparatus 1 via a data transmission cable 3 having, for example the RS-232C cable configuration.

The host computer 2 for entering the contracted conditions into the measuring apparatus may be a personal computer, and is connected to the measuring apparatus 1 only when it is used to enter or remove data representing the contracted conditions into and from the measuring apparatus (column 4, lines 53-58).

Although the host computer 2 is connected to the measuring apparatus 1 through the data transmission cable, the system in Nguyen is entirely different from that of the invention. Namely, in Nguyen, the treating apparatus is NOT used upon request from the user and permission of the seller through the communication line; a using time of the treating apparatus is NOT measured by the user through the communication line; and a fee of the treating apparatus is NOT charged based on the using time of the treating apparatus.

Even if Rive and Nguyen are referred to, it is not disclosed or suggested that the fee of the treating apparatus includes a part, based on the using time, of an entire cost of the treating

apparatus. Therefore, claim 1 is patentable over the cited references.

Rejection to claims 10-15 by Rive in view of Nguyen and Davis

A system of conducting a business with a treating apparatus of claim 10 comprises a terminal connected to the treating apparatus on a user's side, and accounting means. The terminal connects the treating apparatus to a communication line, and the accounting means is installed at a server on a seller's side and connected to the communication line. The accounting means is actuated whenever the treating apparatus is used, calculates a fee according to a using condition of the treating apparatus through the communication line and charges the fee to the user. The fee includes a part, based on the using time, of an entire cost of the treating apparatus.

Namely, in the system, the fee includes a part of the entire cost of the treating apparatus based on the using time. The charging system is different from rent and lease.

As explained above, in Rive, the computer system may be leased to charge a fixed monthly fee, or other periodic fee, or a one-time lump sum payment (column 15, lines 23-32).

In the accounting means of claim 10 of the invention, the fee includes a part, based on the using time, of the entire cost of the treating apparatus. The fee system in Rive is lease or other periodic fee, and is entirely different from the fee system of the invention.

In Nguyen, as explained before, the host computer 2 is connected to the measuring apparatus 1 only when it is used to enter or remove data representing the contracted conditions into and from the measuring apparatus (column 4, lines 53-58). Although the host computer 2 is connected to the measuring apparatus 1 through the data transmission cable, the system in Nguyen is entirely different from that of the invention.

Davis et al. is directed to a remote print press proofing system having a camera or cameras for digitizing the image, so that the client may see a color corrected digital image. In the system, the time elapsed during the press proof session, the amount of data transmitted from the printers to the clients, the number of still images transmitted and the number of clients connected to a printer can be recorded for invoice (column 5, lines 40-50).

In claim 10 of the invention, the fee to be charged to the user includes a part, based on the using time, of the entire cost of the treating apparatus. The fee system in Davis et al. is based on the amount or number of use, but it is not disclosed that the charge is based on the entire cost. Thus, fee system is entirely different from that of the invention.

The fee system of claim 10 is not disclosed or suggested in the cited references, so that claim 10 is not obvious from the cited references.

As explained above, claims pending in the application are patentable over the cited references.

Reconsideration and allowance are earnestly solicited.

Respectfully Submitted,

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